

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

LOCATION:           MACOMB TOWNSHIP MEETING CHAMBERS  
                      54111 BROUGHTON ROAD  
                      MACOMB, MICHIGAN 48042

PRESENT:           MICHAEL D. KOEHS, CLERK  
                      MARIE MALBURG, TREASURER  
                      TRUSTEES: DINO F. BUCCI, JR.  
                                  JANET DUNN  
                                  ROGER KRZEMINSKI  
                                  NANCY NEVERS

ABSENT:           JOHN D. BRENNAN, SUPERVISOR

Also in attendance:   Larry Dloski, Township Attorney  
                          Jim Gelios, Deputy Clerk  
                          Jerome R. Schmeiser, Community Planning Consultant  
                          Phyllis Sharbo, Township Assessor  
                          James Van Tiflin, Township Engineer of Spalding DeDecker &  
                          Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Clerk KOEHS called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1.       Roll Call

Deputy Clerk Jim Gelios called the roll. Supervisor BRENNAN not present.

**MOTION by KRZEMINSKI seconded by BUCCI to assign Clerk KOEHS as Chairman for this meeting.**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by NEVERS to refrain from calling the name of John D. Brennan for all future roll call votes for this meeting.**

**MOTION carried.**

2.       Approval of Agenda Items (with any corrections)

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**MOTION by DUNN seconded by BUCCI to approve the amended agenda as discussed.**

**MOTION carried.**

3. Approval of the Bills

**MOTION by DUNN seconded by NEVERS to approve both bill runs as submitted.**

**MOTION carried.**

4. Approval of the January 12<sup>th</sup>, 2005 previous Meeting Minutes

**MOTION by KRZEMINSKI seconded by MALBURG to approve the January 12<sup>th</sup>, 2005 previous meeting minutes as submitted.**

**MOTION carried.**

5. CONSENT AGENDA ITEMS:

5A. Clerks Department:

1. Approve Partial Release of Site Plan Bond; Saturn of Lakeside. Permanent Parcel No. 08-32-476-004
2. Approve Extension of Time; Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003 (*Extend to February 25, 2006*)

5B. Department Monthly Reports

1. Macomb County Sheriffs Department
2. Building Department
3. Fire Department
4. Water/Sewer Department
5. Parks and Recreation Department

**MOTION by DUNN seconded by BUCCI to approve the consent agenda items as submitted.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit) None

**PUBLIC HEARING:**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

7. **Request to Adopt Resolution Establishing; Special Assessment District; Street Lighting; Bellagio Subdivision;** Located south of 26 Mile Road and west of Romeo Plank Road. Franco Mancini, Petitioner. Permanent Parcel No. 08-06-200-046

Clerk KOEHS reviewed the request and opened the Public Hearing at 7:04 p.m.

Public Portion: None

Petitioner: Not present

**MOTION by MALBURG seconded by KRZEMINSKI to close the public hearing at 7:05 p.m.**

**MOTION carried.**

**MOTION by DUNN seconded by MALBURG to Adopt the Resolution Establishing Special Assessment District; Street Lighting; Bellagio Subdivision; Permanent Parcel No. 08-06-200-046 as follows:**

**FOR THIS MOTION: DUNN, MALBURG, BUCCI, KRZEMINSKI, NEVERS, KOEHS**

**OPPOSED: NONE**

**ABSENT: BRENNAN**

**Street Lighting Bellagio Subdivision**

**RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 24, 2005, at 7:00 P.M., Eastern Standard Time.**

**PRESENT: Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.**

**ABSENT: John D. Brennan.**

**The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and**

**WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and**

**WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and**

**WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF  
THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. It is hereby directed that a street light or lights shall be installed at Bellagio Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**

**2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.**

**3. The annual electrical service charge is Ten Thousand Four Hundred Eighty dollars and 28/100 (\$10,480.28). Three times the annual cost is Thirty One Thousand Four Hundred Forty dollars and 85/100 (\$31,440.85). Total project cost is One Hundred Seven Thousand One Hundred Twenty Eight dollars and 38/100 (\$107,128.38). The petitioner contribution amount is Seventy Five Thousand Six Hundred Eighty Seven dollars and 53/100 (\$75,687.53). The Townships at large contribution is zero dollars and 00/100 (\$0.00).**

**4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.**

**AYES: DUNN, MALBURG, BUCCI, KRZEMINSKI, NEVERS, KOEHS.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**NAYS:        NONE.**

**ABSENT:     BRENNAN.**

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**MICHAEL D. KOEHS, CMC**  
**MACOMB TOWNSHIP CLERK**

**SAD, Street Lighting, Bellagio Subdivision**

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF  
SPECIAL ASSESSMENT LIGHTING DISTRICT**

A parcel of land in Fractional Section 6, T.3N., R.13E., Macomb Township, Macomb County, Michigan described as: Commencing at the NE Corner of Fractional Section 6; thence along the N. line of Fractional Section 6 and the centerline of 26 Mile Road S.88°46'37"W., 1324.80 feet to the Point of Beginning; thence S.02°07'44"E., 1808.68 feet; thence N.89°22'58"E., 1324.90 feet (1324.00 feet record) to a point on the E. line of Fractional Section 6 and the centerline of Romeo Plank Road; thence along said line S.02°07'22"E., 822.87 feet; thence S.89°25'13"E., 450.00 feet; thence S.11°34'12"E., 334.96 feet to a point on the E.-W. ¼ line of Fractional Section 6; thence along said line S.89°25'13"W., 991.64 feet; thence S.00°34'47"E., 99.00 feet; thence N.89°25'13"E., 790.11 feet; thence along the centerline of the Middle Branch of the Clinton River as witnesses by a traverse line along the following courses: S.57°08'03"E., 122.25 feet; S.79°57'04"W., 131.44 feet; N.85°16'57"W., 240.96 feet; S.70°30'50"W., 220.12 feet; S.43°34'47"W., 283.82 feet; S.87°14'05"W., 323.55 feet; N.81°41'39"W., 323.81 feet; N.80°11'47"W., 223.41 feet; N.11°14'51"W., 268.39 feet; thence N.89°25'13"E., 496.10 feet; thence N.00°34'47"W., 99.00 feet to a point on the E.-W. line of Fractional Section 6; thence along said line S.89°25'13"W., 983.66 feet to the Center Post of Fractional Section 6; thence continuing along said line S.89°29'29"W. 381.36 feet; thence N.01°49'39"W., 1611.11 feet (1610.99 feet record); thence N.89°01'37"E., 301.65 feet to a point on the centerline of the Healy Brook Drain; thence along the centerline of the Healy Brook Drain the following courses; N.28°12'33"E., 902.99 feet; N.32°00'19"E., 141.51 feet; N.28°43'13"E., 332.96 feet; N.47°38'33"E., 46.01 feet; N.13°31'01"E., 109.69 feet to a point on the N. line of Fractional Section 6 and the centerline of 26 Mile Road; thence along said line N.88°46'37"E., 645.27 feet to the Point of Beginning and containing 136.599 acres. Subject to the rights of the public for highway purposes along the N. line for 26 Mile Road and the E. Line for Romeo Plank Road, and any easements of record.

**Pre-Printed Portion of document**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**drafted by:**

**Lawrence W. Dloski**  
**ANTHONY, SEIBERT AND DLOSKI, PLLC**  
**59 N. Walnut, 202 Vicant Building**  
**Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO:**     **Michael D. Koehs, CMC**  
   **Macomb Township Clerk**  
   **54111 Broughton Road**  
   **Macomb, MI 48042**

**RESOLUTION DELCARED ADOPTED.**

8.     **Request to Adopt Resolution Establishing; Special Assessment District;**  
**Street Lighting; Buckingham Village Subdivision No. 2;** Located on the south  
side of 23 Mile Road east of Heydenreich Road; GTR Builders, Petitioner.  
Permanent Parcel No. 08-22-100-018.

Clerk KOEHS reviewed the request and opened the Public Hearing at 7:07 p.m.

Public Portion: None

Petitioner Present: Christopher Cousino

**MOTION by DUNN seconded by BUCCI to close the public hearing at 7:08 p.m.**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by MALBURG to Adopt the Resolution**  
**Establishing; Special Assessment District; Street Lighting; Buckingham Village**  
**Subdivision No. 2; Permanent Parcel No. 08-22-100-018 as follows:**

**FOR THIS MOTION: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS,**  
**KOEHS**

**OPPOSED: NONE**

**ABSENT: BRENNAN**  
**Street Lighting Buckingham Village Subdivision No. 2**

**RESOLUTION ORDERING ESTABLISHMENT**  
**OF STREET LIGHTING DISTRICT**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 24, 2005, at 7:00 P.M., Eastern Standard Time.**

**PRESENT: Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.**

**ABSENT: John D. Brennan.**

**The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.**

**WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and**

**WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and**

**WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and**

**WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. It is hereby directed that a street light or lights shall be installed at Buckingham Village Subdivision No. 2, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".**

**2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.**

**3. The annual electrical service charge is Sixteen Thousand Two Hundred Thirty dollars and 56/100 (\$16,230.56). Three times the annual cost is Forty Eight Thousand Six Hundred Ninety One dollars and 68/100 (\$48,691.68).**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
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Total project cost is One Hundred Seventy Six Thousand Five Hundred Ninety Four dollars and 50/100 (\$176,594.50). The petitioner contribution amount is One Hundred Twenty Seven Thousand Nine Hundred Two dollars and 82/100 (\$127,902.82). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS, KOEHS.

NAYS: NONE.

ABSENT: BRENNAN.

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MICHAEL D. KOEHS, CMC  
MACOMB TOWNSHIP CLERK

SAD, Street Lighting, Buckingham Village Subdivision No. 2

EXHIBIT "A"  
LEGAL DESCRIPTION OF  
SPECIAL ASSESSMENT LIGHTING DISTRICT

Part of the Northwest quarter of Section 22, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan, being described as:

Commencing at the northwest corner of Section 22, Thence North 87 degrees 42 minutes 51 seconds east 987.17 feet along the north line of Section 22, also being the centerline of 23 Mile Road (Future 120.00 feet wide) to the point of beginning; Thence continuing along said line, North 87 degrees 42 minutes 51 seconds east 350.00 feet; Thence south 02 degrees 10 minutes 09 seconds east 2673.16 feet along the west line and north extension thereof of proposed Wingate Farms Subdivision to the east and west quarter line of Section 22; Thence south 87 degrees 52 minutes 30

seconds west 1289.66 feet to the east line of Heydenreich Road (120.00 feet wide); Thence north 01 degrees 54 minutes 04 seconds west 1704.60 feet along the east line of Heydenreich Road; Thence north 87 degrees 42 minutes 51 seconds east 931.69 feet; Thence north 02 degrees 10 minutes 09 seconds west 964.98 feet to the north line of Section 22 and the point of beginning. Containing 58.12 acres, more or less.



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**Pre-Printed Portion of document  
drafted by:**

**Lawrence W. Dloski  
ANTHONY, SEIBERT AND DLOSKI, PLLC  
59 N. Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO:     Michael D. Koehs  
Macomb Township Clerk  
54111 Broughton Road  
Macomb, MI 48042**

**RESOLUTION DECLARED ADOPTED.**

**PLANNING COMMISSION:**

9.     **Rezoning; Residential One Family Suburban (R-1-S) to Residential Multiple-Low Density (R-2-L);** Located on the north side of 23 Mile Road, approximately ¼ mile east of North Avenue; Vito Serra, Petitioner. Permanent Parcel No. 08-13-300-041.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for denial.

Petitioner: Not present

Public Portion: None

**MOTION by DUNN seconded by NEVERS to follow the recommendation and deny the request to rezone the property from Residential One Family Suburban (R-1-S) to Residential Multiple-Low Density (R-2-L); specifically the proposed rezoning is inconsistent with the goals of the Master Plan and the proposed rezoning is inconsistent with the development of the surrounding properties. Permanent Parcel No. 08-13-300-041.**

**MOTION carried.**

10.    **Final Plat; Buckingham Village Subdivision No. 2 (181 lots);** Located on the south side of 23 Mile Road east of Heydenreich Road; GTR Builders, Petitioner. Permanent Parcel No. 08-22-100-018.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

Petitioner Present: Chris Cousino

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the Final Plat and direct Michael D. Koehs, Township Clerk, to sign the mylar for the Buckingham Village Subdivision No. 2 (181 lots); Permanent Parcel No. 08-22-100-018.**

**MOTION carried.**

11. **Final Preliminary Plat; Lone Star Estates Subdivision (15 lots);** Located on the west side of Card Road approximately 686' north of 22 Mile Road. Polson Land Development, Petitioner. Permanent Parcel No. 08-22-400-016

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Jim Grosser

Public Portion: None

**MOTION by BUCCI seconded by MALBURG to approve the Final Preliminary Plat; Lone Star Estates Subdivision (15 lots) Permanent Parcel No. 08-22-400-016.**

**MOTION carried.**

12. **Tentative Preliminary Plat; Portofino Villas Subdivision (43 Lots);** Located on the west side of Card Road, ½ mile north of 23 Mile Road. Portofino Villa, LLC, Petitioner. Permanent Parcel No. 08-15-426-004 & 005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Vito Sera

Public Portion: None

**MOTION by DUNN seconded by KRZEMINSKI to follow the recommendation and approve the Tentative Preliminary Plat; Portofino Villas Subdivision (43 lots); Permanent Parcel No. 08-15-426-004 & 005.**

**MOTION carried.**

13. **Land Division Variance; Stoneridge Subdivision (106 lots);** Located on the east side of Fairchild Road ¼ mile north of 21 Mile Road. Dominic Geric,

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

Petitioner. ~~Permanent Parcel Nos. 08-25-427-003 & part of 004.~~ New  
Permanent Parcel No. 08-25-427-009 (effective 3/05)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

**MOTION by DUNN seconded by KRZEMINSKI to approve the request for Stoneridge Subdivision; to vary Section 17-132 (d) of the Township Land Division Ordinance eliminating the requirement that stub streets be provided to Permanent Parcel Nos. 08-25-403-001, 08-25-427-006, 08-25-427-007, 08-25-427-008. The request was not granted to eliminate the requirement for Permanent Parcel No. 08-25-427-002; to vary Section 17-132 (d) to grant a variance eliminating the two (2) stub streets required to the parcels to the south subject to approval of the amendments to the Zoning Ordinance allowing splits on private roads. ~~Permanent Parcel Nos. 08-25-427-003 & part of 004.~~ New Permanent Parcel No. 08-25-427-009 (effective 3/05)**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by MALBURG to approve the request to vary Section 17-138 (b) – of the Township Land Division Ordinance to allow for both short block lengths created by the configuration of the detention pond shown on the plat. ~~Permanent Parcel Nos. 08-25-427-003 & part of 004.~~ New Permanent Parcel No. 08-25-427-009 (effective 3/05)**

**MOTION carried.**

**MOTION by DUNN seconded by NEVERS to approve the request for Stoneridge Subdivision to vary Section 17-138 (c) of the Township Land Division Ordinance for the long block lengths along the perimeter of the plat. ~~Permanent Parcel Nos. 08-25-427-003 & part of 004.~~ New Permanent Parcel No. 08-25-427-009 (effective 3/05)**

**MOTION carried.**

14. **Tentative Preliminary Plat; Stoneridge Subdivision (106 lots);** Located on the east side of Fairchild Road ¼ mile north of 21 Mile Road. Stoneridge Development, Petitioner. Permanent Parcel No. 08-25-427-003 & part of 004

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

Petitioner Present: Craig Duckwitz

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the Tentative Preliminary Plat; Stoneridge Subdivision (106 lots); Permanent Parcel No. 08-25-427-003 & part of 004**

**MOTION carried.**

15. **Land Division Variance; Wellington Subdivision (146 lots);** Located on the south side of 24 Mile Road approximately 1¼ miles east of Romeo Plank Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Daniel S. Spatafora and Harry Terbrueggen of Elro Corporation.

Public Portion: None

**MOTION by DUNN seconded by KRZEMINSKI to approve the Land Division Variance; Wellington Subdivision (146 lots); Section 17-138 - to allow the following block groupings to exceed the maximum length of 1,320 feet: Lots 5-32 on the west side of Wellington Valley Drive; Lots 33-56 on the east side of Wellington Valley Drive; Lots 108-109 and 143-146 on the north side of Claridge; Lots 110-121 on the west side of Candlestick Drive. Permanent Parcel No. 08-16-100-021.**

**MOTION carried.**

16. **Tentative Preliminary Plat; Wellington Subdivision (146 lots);** Located on the south side of 24 Mile Road approximately 1 ¼ miles east of Romeo Plank Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Daniel S. Spatafora and Harry Terbrueggen of Elro Corporation.

Public Portion: None

**MOTION by KRZEMINSKI seconded by BUCCI to approve the Tentative Preliminary Plat; Wellington Subdivision (146 lots); Permanent Parcel No. 08-16-100-021**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**MOTION carried.**

17. **Land Division Variance; Stillwater Crossing Subdivision (516 lots);** Located approximately 1 mile east of North Avenue from 23 and 24 Mile Roads. Elro Corporation, Petitioner. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Daniel S. Spatafora and Harry Terbrueggen of Elro Corporation.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the Land Division Variance; Stillwater Crossing Subdivision; Section 17-138(c) - to allow long blocks to be created affecting the following series or groupings of lots: Lots 1-52 on the west perimeter and northeast Water Town Drive; Lots 52-65; 269-279; 179-195; 132-139 and 394-407 along the east property line and Lots 410-430 on the south side of Rivulet Drive between Grovemont and Water Town Drive. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014**

**MOTION carried.**

**MOTION by DUNN seconded by BUCCI to approve the Land Division Variance; Stillwater Crossing Subdivision; Section 17-138(b) - to allow for short block lengths involving lots 502-511. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014**

**MOTION carried.**

**MOTION by DUNN seconded by KRZEMINSKI to approve the Land Division Variance; Stillwater Crossing Subdivision; Section 17-132(d) - to eliminate the stub streets along the east side of the plat that borders Chesterfield Township. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014**

**MOTION carried.**

18. **Tentative Preliminary Plat; Stillwater Crossing Subdivision (516 lots);** Located approximately 1 mile east of North Avenue from 23 and 24 Mile Roads. Elro Corporation, Petitioner. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
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Petitioner Present: Daniel S. Spatafora and Harry Terbrueggen of Elro Corporation.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the Tentative Preliminary Plat; Stillwater Crossing Subdivision (516 lots); Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014**

**MOTION carried.**

**NEW BUSINESS:**

19. Request to Adopt Poverty Hardship Guidelines

Larry Dloski, Township Attorney, reviewed annual request as submitted by the Township Assessor and recommended that the Board move forward with the matter.

Phyllis Sharbo, Township Assessor, present

Public Portion: None

**MOTION by KRZEMINSKI seconded by BUCCI to adopt the Poverty Hardship Guidelines Resolution as follows:**

**TOWNSHIP OF MACOMB  
COUNTY OF MACOMB, STATE OF MICHIGAN**

**REAL PROPERTY TAX POVERTY EXEMPTION RESOLUTION**

**Memorandum of Resolution made and adopted at a Regular Meeting of the Board of Trustees of Macomb Township, Macomb County, Michigan, held in the Macomb Township offices on the Monday the 24th of January, 2005.**

**MEMBERS PRESENT: Michael D. Koehs, Marie M. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger M. Krzeminski and Nancy J. Nevers.**

**MEMBERS ABSENT: John D. Brennan**

**The following preamble and resolution were offered by Member Roger M. Krzeminski and supported by Member Dino F. Bucci, Jr.:**

**Whereas, Section 211.7u of Act No. 206 of the Public Acts of 1893, as amended, provides that the homestead of a person who, in the judgment of the**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**Supervisor and Board of Review, by reason of poverty, is unable to contribute toward the public charges are eligible for exemption in whole or in part from taxation under the Act; and,**

**Whereas, said section provides certain eligibility requirements for exemption under said section; and,**

**Whereas, said section requires that an applicant meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget or alternative guidelines adopted by the governing body of the local assessing unit; provided, however, such alternative guidelines do not provide income eligibility requirements less than the federal guidelines; and,**

**Whereas, the Board of Trustees of the Township of Macomb is governing body of the local assessing unit; and,**

**NOW, THEREFORE, BE IT RESOVED that the following standards be adopted in relation to applications for the Real Property Poverty Exemptions:**

**In order to qualify for the Poverty Exemption, the claimant MUST meet all of the following requirements. It may be possible that a claimant meets the income standard for the Poverty Exemption but not meet the asset standard or other standards as set forth in these guidelines. In this instance the claimant would NOT qualify for the exemption even though the income standard was met.**

**The Board of Review shall follow these guidelines when granting or denying a Poverty Exemption. The same standards shall apply to each claimant in the Township for the assessment year “unless the Supervisor and Board of Review determines that there are substantial and compelling reasons why there should be deviation from the guidelines and the substantial and compelling reasons are communicated in writing to the claimant.”**

**In granting Poverty Exemptions, the Township of Macomb and the Board of Review realizes that this represents a shift of those property taxes exempted to the other taxpayers of the Township. Poverty exemptions are intended to assist those who are in temporary financial straits and are NOT intended as a permanent or continuous subsidy. Poverty exemptions shall apply only to the applicant’s qualified homestead and the property must be classified RESIDENTIAL for property tax purposes. Under no circumstances shall a poverty exemption be granted or apply to the property of a business, partnership or corporation.**

**To be eligible for exemption by reason of poverty, a person shall do all of the following on an annual basis:**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

1. Applicants **MUST** be an owner of and occupy as a homestead (as defined by MCL 211.7c) the property for which an exemption is being requested. Vacant, unplatted, contiguous land shall not qualify as homestead property for purposes of these guidelines.
2. Applicants **MUST** file a completed "Poverty Exemption Application" with the Board of Review on a form provided by the Assessing Department and include a copy of their Michigan Homestead Property Tax Credit Claim AND State of Michigan Income Tax Returns and all supporting documents and schedules for ALL PERSONS residing in the homestead, including any property tax credit returns (MI-1040CR), filed in the immediately preceding year or in the current year.
3. Applicants must provide a valid driver's license or other form of identification and must also provide a copy of a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested by the Assessor or Board of Review.
4. Applications **MUST** be filed after January 1 and before the final day of the March Board of Review meetings for that assessment year.
5. Applicants **MUST** meet poverty income standards determined by the Township of Macomb. These income standards shall be posted annually in the Department of Assessment and made available upon request at no charge. These income standards will be based upon the current year Federal Poverty Thresholds multiplied by a rate of 135% (1.35).

The Board of Review shall consider income from all sources and from all occupants of the homestead when determining whether an Applicant meets Township poverty income standards as established by the Township Board of Trustees.

In addition to income as noted above, savings accounts, checking accounts, investments and interest earnings/dividends, in total, from all household members, may not exceed double the amount of the current annual property tax obligation. The Board of Review may also take into consideration other assets such as ownership interest in other real estate and/or personal property.

**NOTE:** Under no circumstances shall the Board of Review reduce the taxable value of a claimant, that is not currently receiving the maximum refund of \$1,200.00 from the State of Michigan unless the claimant's household income is equal to or less than the federal poverty income standards as defined and determined by the United States office of management and budget. Any relief granted shall be based upon the tax obligation in excess of the maximum \$1,200.00 homestead credit refund allowed by the State of Michigan.



MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**Under no circumstances shall the Board of Review reduce the taxable value lower than that which would produce an annual ad valorem tax equal to 3.5% of an applicants income plus property tax credit refund payable by the State of Michigan. It is not the intent of the Township to adopt a policy of an individual being “automatically entitled” to exemption.**

**AYES: Members: Roger M. Krzeminski, Dino F. Bucci, Jr., Marie M. Malburg, Janet Dunn, Nancy J. Nevers and Michael D. Koehs.**

**NAYS: Members: None**

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**JOHN D. BRENNAN, Township Supervisor**

**RESOLUTION DECLARED ADOPTED.**

20. **Request Authorization for the Township Engineer to Design Trunk Line Water Main;** Located along Luchtman Road north of 24 Mile Road; Polaris Enterprises, Petitioner. Section 9

James Van Tiflin, Township Engineer, reviewed the request.

Petitioner Present: Jim Grosser

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve the request to have the Township Engineers prepare design plans for the Trunk Line Water Main; Located along Luchtman Road north of 24 Mile Road. Further that the petitioner will be required to post the required fees associated with the cost estimate prepared by the Township Engineer.**

**MOTION carried.**

21. **Request to Schedule Public Hearing Date; February 23<sup>rd</sup>, 2005; Special Assessment District; Street Lighting; Winding Creek Subdivision;** Located south of 26 Mile Road and ¼ mile west of Luchtman Road; Section 5. Atwell-Hicks, Inc., Petitioner. Permanent Parcel No. 08-05-200-002.

**MOTION by KRZEMINSKI seconded by MALBURG to approve the request to schedule the Public Hearing Date for February 23<sup>rd</sup>, 2005 for the Special Assessment District for Street Lighting for Winding Creek Subdivision; Permanent Parcel No. 08-05-200-002.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**MOTION carried.**

22. **Request to Schedule Public Hearing Date; February 23<sup>rd</sup>, 2005; Special Assessment District; Street Lighting; Turnberry Pointe Subdivision;** Located approximately 430' west of Romeo Plank Road and approximately 300' south of 22 Mile Road; H & R Investments, Petitioner. Permanent Parcel No. 08-29-226-021

**MOTION by BUCCI seconded by MALBURG to approve the request to schedule the public hearing date for February 23<sup>rd</sup>, 2005 for the Special Assessment District for Street Lighting for the Turnberry Pointe Subdivision. Permanent Parcel No. 08-29-226-021**

**MOTION carried.**

23. Request to Approve Amendments to the Township Noxious Weed Ordinance

Larry Dloski, Township Attorney, reviewed the item.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to repeal the Noxious Weed section of the Township Ordinance as follows:**

**TOWNSHIP OF MACOMB  
COUNTY OF MACOMB  
ORDINANCE # 227 REPEALING CHAPTER 11, ARTICLE II, SECTIONS 11-21  
THROUGH 11-28 REGARDING NOXIOUS WEEDS**

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN ORDAINS:**

**Section 1. Chapter 11, Article II, Sections 11-21 through 11-28 of the Macomb Township Code are hereby repealed in their entirety.**

**Section 2. SEVERABILITY**

**If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.**

**Section 3. PUBLICATION**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

**Section 4.     EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication.

**Section 5.     CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on Monday the 24<sup>th</sup> day of January, 2005, by the following vote of the members thereof:

**AYES:           MEMBERS: Janet Dunn, Marie Malburg, Dino F. Bucci, Jr.,  
Michael D. Koehs, Roger Krzeminski and Nancy Nevers.**

**NAYS:           MEMBERS: None**

**ABSENT:       MEMBERS: John D. Brennan**

This Ordinance was published in the Macomb Daily Newspaper as required by law in its edition for the Saturday, January 29, 2005 paper.

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**Michael D. Koehs, CMC  
Macomb Township Clerk**

**AMENDMENT DECLARED ADOPTED**

**OLD BUSINESS:**

24. Request by County Clerk for Macomb Township to reconsider its decision to “opt out” of running school elections.

Carmella Sabaugh, Macomb County Clerk, reviewed her request for the Township Board of Trustees to reconsider their decision to not allow the Township Clerk Michael D. Koehs to “opt in” and run school the school elections within the Township of Macomb.

Clerk KOEHS thanked Carmella Sabaugh for her comments and indicated that he is not reconsidering his decision.

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**MOTION by KRZEMINSKI seconded by DUNN to receive and file the correspondence submitted by the County Clerk.**

**MOTION carried.**

*Addition:*

24A. Review of Michigan Municipal League premium renewal quote

**MOTION by KRZEMINSKI seconded by BUCCI to table the request to the next meeting of February 9<sup>th</sup>, 2005.**

**MOTION carried.**

**FIRE DEPARTMENT:**

25. Request permission to purchase seat for Heavy Rescue.

Chief Ahonen, reviewed the request.

Public Portion: None

**MOTION by BUCCI seconded by NEVERS to approve the request to purchase a Spartan seat complete with parade pad & SCBA mounting bracket for the Heavy Rescue Vehicle through Apollo Fire Equipment Company for the total cost of One Thousand Four Hundred Seventy Five dollars and 00/100 (\$1,475.00) as submitted.**

**MOTION carried.**

26. Request permission to purchase ice rescue equipment.

Chief Ahonen, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve the request to purchase ice rescue equipment through Michigan Rescue Concepts for the total cost of Six Thousand Two Hundred One dollars and 48/100 (\$6,201.48) as submitted.**

**MOTION carried.**

27. Review offer for the sale of 1980 GMC Engine 4.

Chief Ahonen, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

Public Portion: None

**MOTION by KRZEMINSKI seconded by BUCCI to approve the request and accept the offer of Five Thousand Dollars and 00/100 (\$5,000.00) for the 1980 GMC Engine 4 as submitted by Colbert Heights Fire Department in Alabama.**

**MOTION carried.**

**HUMAN RESOURCE DEPARTMENT:**

28. Authorization to Hire Utility Workers (2) for Water & Sewer Department.

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

**MOTION by KRZEMINSKI seconded by NEVERS to approve the request and follow the recommendation of the Human Resource Director and hire Timothy Young and Ronald Dix as Utility Workers for the Township Water & Sewer Department. Effective Date on or before February 14, 2005.**

**MOTION carried.**

*Addition:*

28A. Request for Training

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the request for John Brogowicz, Human Resource Director, to attend the Society for Human Resources Management (SHRM) Annual Conference and Exposition scheduled for June, 18-22, 2005 in San Diego, California for the total cost of One Thousand Seventy dollars and 00/100 (\$1,070.00) plus meals, local transportation and parking. Further, John Brogowicz has agreed to pay for his airline ticket and lodging. Meals, Mileage and parking are pursuant to the Township Policy.**

**MOTION carried.**

**BOARD COMMENTS:**

29. Supervisor Comments:

- A. Recommendations for Appointments for the Clinton Macomb Library Board.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

Clerk KOEHS reviewed the Township Supervisor's recommendation to appoint Joey Brender to the Clinton Library Board for a term to expire April 30, 2005.

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to follow the recommendation and approve the request to appoint Joey Brender as a Member on the Clinton Macomb Library Board for a term to expire April 30, 2005.**

**MOTION carried.**

- 30. Clerk Comments: None
- 31. Treasurer Comments: None
- 32. Trustees Comments: None

**EXECUTIVE SESSION:**

**MOTION by KRZEMINSKI seconded by BUCCI to adjourn into executive session at 8:29 p.m.**

**MOTION carried.** The Members of the Board reconvened at 8:47 p.m.

- 33. Habel et al vs Township of Macomb

**MOTION by DUNN seconded by KRZEMINSKI that if the Township insurance carrier declines to indemnify the Township Supervisor, Clerk and Fire Chief, that the Township, at the Townships expense, indemnify the Supervisor, Clerk and Fire Chief in the matter of David Herczeg et al v Township of Macomb, et al pending in the United States District Court for the Eastern District of Michigan.**

**FOR THIS MOTION: DUNN, KRZEMINSKI, BUCCI, MALBURG, NEVERS**

**OPPOSED: NONE**

**ABSENT: BRENNAN**

**MOTION carried.** Clerk KOEHS abstained from this motion

**ADJOURNMENT:**

**MOTION by KRZEMINSKI seconded by BUCCI to adjourn the meeting at 8:48 p.m.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
MONDAY, JANUARY 24<sup>TH</sup>, 2005  
AT 7:00 P.M.

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmb